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FEDERAL COMMUNICATIONS COMMISSION
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Review of the Commission's	)	MM Docket No. 91-221
Regulations Governing	)	
Television Broadcasting	)	

To: The Commission

COMMENTS OF THE
NETWORK AFFILIATED STATIONS ALLIANCE

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SUMMARY OF COMMENTS

The Network Affiliated Stations Alliance opposes the Commission's proposal to eliminate the dual network rule. Repeal of the rule inevitably will lead to the abuses the rule was designed to prevent, specifically concentration of control over advertising revenues and programming in the broadcast television marketplace.

Although the video marketplace has changed dramatically since the dual network rule was first applied to television in 1946, the changes which have occurred are not analogous to the circumstances that led to the repeal of the rule for radio in 1977. Although the networks' presence in the radio marketplace had declined substantially by 1977, network influence in the local television marketplace has not declined. Accordingly, the arguments that supported the Commission's repeal of the dual network rule for radio do not support the Commission's proposed elimination of the rule for television.

Repeal of the dual network rule will adversely affect competition and program diversity in local television markets. Because networks are now permitted to own cable systems, as a result of the Commission's recent relaxation of the network/cable cross-ownership rule, the potential for network influence on local programming already is significant. Allowing networks to own two or more over-the-air networks, in addition to local cable systems, will give the networks even more control over the distribution of video programming in a given television market. Increasing network dominance to this extent on the local level will undermine the Commission's goals of promoting programming diversity and economic competition in the television marketplace.

Competition and diversity will be harmed in other ways as well. Elimination of the dual network rule will restrict and may even prevent the development of a fifth over-the-air network. Network organizations also will have an unfair advantage in competing for advertising revenues because they will be able to tie advertising on one network to advertising on another and thereby foreclose other programming sources from competing for those advertising revenues.

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To: The Commission

COMMENTS OF THE
NETWORK AFFILIATED STATIONS ALLIANCE

The Network Affiliated Stations Alliance ["NASA" or the "Affiliates"][1/], through its attorneys, hereby submits its comments in response to the Commission's Notice of Proposed Rulemaking[2/] in the above-captioned proceeding.

INTRODUCTION

By its Notice, the Commission proposes to repeal the dual network rule.[3/] Adopted by the Commission in 1941 for radio[4/] and extended in 1946 to television[5/], the dual

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1/ The Network Affiliated Stations Alliance is an organization formed by the ABC Television Network Affiliates Association, the CBS Television Network Affiliates Association and the NBC Television Network Affiliates Association. These three associations represent approximately 600 local television stations throughout the United States. Approximately 200 of these stations each are affiliated, respectively, with the ABC, CBS and NBC networks.

2/ Notice of Proposed Rulemaking, MM Docket No. 91-221, FCC 92-209 (June 12, 1992) ["Notice"].

3/ 47 C.F.R. § 73.658(g) (1991).

4/ Report on Chain Broadcasting, Docket 5060 (1941) ["Chain Broadcasting Report"].

network rule effectively prohibits the ownership of two or more broadcast networks. The Commission repealed the dual network rule as it applied to radio in 1977.[6/] The Commission now seeks comment on whether it should repeal the dual network rule as it applies to television.

The Affiliates oppose the Commission's proposal to eliminate the dual network rule.[7/] The rule was initially adopted because of a concern that ownership of two or more broadcast networks would adversely affect competition and program diversity in local video markets. Repeal of the rule will lead directly to the anti-competitive and programming abuses the rule was originally designed to prevent.

5/ (...continued)
5/ See Amendment of Part 3 -- Rules Governing Standard and High Frequency Broadcast Stations, 11 Fed. Reg. 33 (1946).

6/ Report, Statement of Policy, and Order, Docket No. 20721, 63 FCC 2d 674 (1977) ["Radio Deregulation Order"].

7/ In the Commission's proceeding concerning the implementation of advanced television systems, the Commission has sought comment on whether the dual network rule should be modified to permit a network; (1) to transmit dual NTSC and ATV feeds to the same affiliate in a market; and (2) to transmit the NTSC and ATV feeds to different affiliates in a market where the NTSC affiliate is unable or unwilling to construct an ATV facility. Second Report and Order/Further Notice of Proposed Rulemaking, MM Docket No. 87-268, 7 FCC Rcd 3340 ¶ 19 (1992). NASA participated in the joint comments filed by 101 broadcast organizations which expressed general support for taking steps to ensure that the dual network rule will not impede the introduction of ATV. See Joint Broadcaster Reply Comments, Gen. Docket No. 87-268 at 23 (filed July 17, 1992).

Two of the national networks, ABC and NBC, urge the Commission to eliminate the dual network rule because, they claim, the decline of network influence over radio in the 1970's, which led to the repeal of the rule for radio, is analogous to "the decline" in network influence over television in the 1990's. The networks' analysis is incorrect. Although the networks' presence in the radio marketplace had declined substantially by 1977, network influence in the local television broadcast marketplace has not declined at all.[8/] Thus, the rationale which justified repeal of the radio dual network rule in 1977 does not support the Commission's current proposal.

The need to retain the dual network rule has become even more imperative as a result of the Commission's recent relaxation of the network/cable cross-ownership rule. Essentially, repeal of the dual network rule, when coupled with network/cable common ownership, will permit networks to own and control cable systems as well as two or more over-

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8/ It is important to distinguish between the local broadcast distribution market and the market for video programming. For the reasons described below, and in NASA's comments in MM Docket 82-434, n. 34 infra, although the networks' power in the programming-acquisition market has been substantially eroded, see generally, Report and Order, MM Docket No. 90-162, 6 FCC Rcd 3094 (1991), the networks maintain substantial market power in the distribution of broadcast programming. Throughout this pleading, references to network "market power" and "market influence" are directed solely at the market for distribution of broadcast programming.

the-air television networks serving the same market. On the local level, where diversity of voices and economic competition are most critical, a network could own local cable systems and have separate network affiliations with two television stations. Because of cable's dominant role in the distribution of video programming, and networks' already considerable influence over local television stations, the potential for network control over local programming and advertising practices will be enormous. To safeguard against such an occurrence, the Commission must continue to prohibit networks from owning more than one broadcast network.

Elimination of the dual network rule inevitably will lead to undue concentration of control over programming and advertising revenues in the hands of the networks. Moreover, if the dual network rule is repealed, it is less likely that an alternative, fifth television broadcast network will develop. Finally, the networks will have an unfair advantage over other programming sources in terms of advertising revenues.

THE COMMISSION SHOULD NOT ELIMINATE THE DUAL NETWORK RULE

1. The Dual Network Rule.

The dual network rule provides that no license will be issued to a television station that is affiliated with a network which has more than one network unless the co-owned networks are not operated simultaneously or there is no substantial overlap in the territory served by the group of stations comprising each network. 47 C.F.R. § 73.658(g).

The Commission adopted the dual network rule in 1941 in its Chain Broadcasting Report because of a need to regulate more stringently the network-affiliate relationship.[9/] The rule was specifically adopted in response to NBC's ownership of two radio networks, known as the "Red" and "Blue" networks. The Commission found that, as a result of this dual ownership, NBC's ownership of two networks gave it an unfair advantage over its competitors with respect to programming and advertising.[10/]

9/ Other aspects of the network-affiliate relationship addressed by the Commission in the Chain Broadcasting Report were exclusive affiliation agreements, stations' right to reject network programming, long term affiliation contracts and network optional time. See Chain Broadcasting Report at 51-66. The three dominant national networks at that time were the National Broadcasting Company ["NBC"], the Columbia Broadcasting System ["CBS"] and the Mutual Broadcasting System. Id. at 3.

10/ Id. at 70. Specifically, NBC enjoyed approximately twice as much programming time as the other two national networks and was able to design special discount advertising packages to encourage advertising time sales over both the Red and Blue networks. Id. at 71.

Based upon these findings, the Commission concluded that ownership of two national networks by one company stifled competition among both the major national networks as well as the affiliate licensees. In addition, such a concentration of control of the radio spectrum in "too few hands" adversely affected the programming decisions of individual station licensees to the ultimate detriment of the listening public.[11/] To guard against further anti-competitive behavior and to protect the public interest, the Commission adopted the dual network rule.

Several years later, in 1946, the Commission applied the dual network rule to television stations.[12/] More than 30 years later, due to substantial changes in the relationship between networks and radio stations, the Commission repealed the dual network rule as it applied to radio.[13/] The Commission now proposes to repeal the dual network rule for television.

2. The Public Interest Will Not Be Served by Repeal of the Dual Network Rule.

The Commission must not repeal the dual network rule because the networks continue to play a vital and continuing role in providing substantial amounts of television

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11/ *See id.* at 72-73.

12/ 11 Fed. Reg. 33.

13/ *Radio Deregulation Order*, 63 FCC 2d 674.

programming and in contributing to overall television revenues. Repeal of the dual network rule will permit the national networks to exercise even greater influence over television programming and advertising practices, thus impairing competition and program diversity in the video marketplace.

a. Changed Circumstances in the Television Industry Do Not Warrant Elimination of the Dual Network Rule.

NBC and ABC, in their comments in the Commission's Notice of Inquiry,[14/] argued that the changed circumstances that warranted elimination of the dual network rule in 1977 for radio stations are analogous to the circumstances in which the television industry now operates.[15/] The networks' argument, however, is flawed. Although the video marketplace has substantially changed since the dual network rule was first applied to television in 1946, the industry and networks' role have not changed for television in the same way that they did for radio. Unlike the networks' presence in the radio marketplace in the 1970's, network influence in the local broadcast television marketplace has

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14/ Notice of Inquiry, MM Docket 91-221, 6 FCC Rcd 4961 (1991).

15/ See Comments of National Broadcasting Company, Inc., MM Docket No. 91-221, at 52-53 (Nov. 21, 1991)["NBC Comments"]; Comments of Capital Cities/ABC, Inc., MM Docket No. 91-221, at 29-34 (Nov. 21, 1991)["ABC Comments"].

not changed to such an extent that elimination of the dual network rule is warranted.

The Commission's 1977 review of the rules governing network-radio broadcast affiliations,[16/] to a significant extent, was motivated by "the tremendously changed circumstances of network radio" which had occurred since 1941.[17/] The Commission noted in particular three changes that had contributed to the decline of network influence in radio. The first was a substantial increase in the number of radio stations from 660 stations, in 1941, to over 7,000 AM and FM commercial stations in 1977.

The second change was the "greatly lessened economic importance of networks in radio" as compared to the networks' presence in the radio marketplace in 1941 and their significance to television in the mid-1970's.[18/] Where in 1941 network revenues comprised approximately 46% of total radio revenues, in 1975 they amounted to only three percent of total radio revenues. This three percent was also compared to 1975 network television revenue figures. In that year, network revenues constituted approximately 41% of total television revenues.[19/]

16/ See Radio Deregulation Order, 63 FCC 2d 674 (1977).

17/ Id. at 677.

18/ Id.

19/ Id. at 678.

The third factor cited by the Commission was the change in the amount of programming the networks were furnishing on a regular basis to radio affiliates. In 1941, much of the network programming aired by network-affiliated radio stations was at least one-half hour in length and comprised a significant portion of the broadcast day. In 1975, radio affiliates were airing network programming segments of a substantially lesser duration, usually five minutes or less, consisting of approximately two to three hours of a 24-hour broadcast day.[20/]

These circumstances indicated that the networks' presence in the radio marketplace had substantially declined by the late 1970's. The same "set of circumstances," however, clearly has not occurred in the television industry. Indeed, in terms of the number of stations, television revenues and the amount and type of network programming, network television affiliates of today are more akin to network radio affiliates of 1941 than they are to network radio affiliates of 1977.

First, although there has been an increase in the number of television stations since 1946, that increase has not been nearly as significant as that which occurred in radio between the years 1941 and 1977. When the Commission eliminated the dual network rule in 1977, there were 7,000

20/ *Id.*

radio stations nationwide; an average market had approximately 33 radio stations. In contrast, there are only 1500 television stations in 1992,[21/] somewhere between 4 or 5 television stations in the average market.[22/] Thus, on a local market-to-market basis, there are significantly fewer television outlets and potential television network affiliates today than there were radio outlets and potential radio network affiliates in 1977. Only when the number of television stations reaches 7,000 nationwide or 30+ in an average market, will the Commission be in a position to rely on the same rationale to repeal the television dual network rule. Until then, the number of television stations, either nationwide or market by market, simply does not indicate that circumstances have changed to such an extent that elimination of the dual network rule is warranted.

21/ Broadcasting, Aug. 3, 1992, at 49.

22/ The number of radio and television stations in an "average" market was determined by: (a) calculating the average number of commercial TV stations per market area (mean), i.e., 5.10; and (b) identifying the most common number of TV stations per market area (mode), i.e., 4 in 42 markets and 5 in 31 markets. Market data are from Television Factbook, A-1 - A-4 (1992). For comparison purposes, radio market station averages were determined by selecting four markets (Cincinnati, OH, Columbia-Jefferson City, MO, Rochester, NY, and Colorado Springs-Pueblo, CO) that had an average number of 4 or 5 television stations. The ratio of radio stations to television stations in those markets ranges from 6 to 1, to 10 to 1. 1992 Broadcasting and Cable Marketplace (1992).

Second, unlike network radio revenues, network television revenues have remained a substantial part of total revenues for television stations. Networks' share of total radio revenues fell sharply from 46% in 1941 to only three percent in 1975. Network revenues for television, however, have not experienced a comparable downward trend. In fact, the trend is in the opposite direction. In 1948, for example, network television revenues comprised approximately 30% of total television revenues.[23/] In 1991, network television revenues constituted approximately 48% of total national television revenues.[24/]

Finally, the amount of network television programming has not changed as dramatically as network radio programming did in the 1970's. In 1977, network programming for radio had been reduced to program segments of five minutes or less. In 1992, however, the ABC, CBS and NBC networks provide affiliates with approximately 70% of stations' daily programming. For example, during the week, in a single 24-hour broadcast day, ABC, CBS and NBC provide affiliates with approximately 14 hours of programming.[25/] The Fox network,

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23/ Annual Report of the Federal Communications Commission 1948 at 54.

24/ Veronis, Suhler & Associates, Veronis, Suhler & Associates Communications Industry Forecast 68 (6th ed., 1992).

25/ See CBS, NBC Tip Their Fall Hands, Broadcasting, May 25, 1992, at 6, 7.

which currently provides its affiliates with approximately five nights of two-hour programming, along with an additional two hours of programming during the day, has announced its plan to increase the amount of programming so that it can cover seven nights a week by the end of the 1992-1993 season.[26/] Clearly, this amount of network programming by all four networks does not signify network decline but rather continued, if not increased, network presence in the local television broadcast marketplace.

The Commission itself has recognized the networks' substantial role in providing programming to local stations. In its ruling on the financial interest and syndication rules, the Commission stated that

> [n]etwork television is the only programming service available to virtually all . . . American television households. Indeed the extent to which the networks' power as the leading procurers of entertainment television programming has withstood substantial market evolution reflects, in no small part, the unique role the networks continue to play in the delivery of television programming to the American public.[27/]

The evidence shows that television networks continue to remain dominant players in the broadcast television industry both economically and in terms of the amount and type of programming they furnish to affiliates. What is even

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26/ Fox Fills in the Blanks, Broadcasting, June 1, 1992, at 18.

27/ Report and Order, MM Docket No. 90-162, 6 FCC Rcd at 3109 (footnotes omitted).

clearer is that the networks do not occupy the same position today with respect to television that they did in 1977 with respect to radio. Therefore, the rationale which compelled repeal of the dual network rule for radio does not support the Commission's current proposal to eliminate the rule for television.

b. The Commission's Relaxation of the Network/Cable Cross-ownership Rule Makes Retention of the Dual Network Rule Even More Necessary to Preserve the Public Interest.

The Commission's recent relaxation of the network/cable cross-ownership rule to allow network ownership of cable systems[28/] makes it even more imperative that the dual network rule be retained. Permitting networks to own cable systems not only will "allow significant network entry into cable television ownership,"[29/] but also will substantially increase network influence over the distribution of video programming. To repeal the dual network rule now, at the same time that the Commission is relaxing the network/cable

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28/ See Report and Order, MM Docket No. 82-434, FCC 92-262 (July 17, 1992) ["Network/Cable Order"]. Prior to the network/cable cross-ownership proceeding, the Commission's rules prohibited a national television network from having any indirect or direct ownership interest in a cable television system. 47 C.F.R. § 76.501(a)(1) (1991). The Commission changed the rule to permit television networks to own cable systems, provided that the network/cable combination does not exceed 10% of homes passed by cable nationally and 50% of homes passed by cable within a television ADI. Network/Cable Order ¶ 1.

29/ Network/Cable Order ¶ 1.

ownership restrictions, will significantly increase network influence in the local television broadcast marketplace.[30/]

Network ownership of cable systems is significant because of cable television's deep penetration into the video marketplace. Currently, 90% of the homes in the country are passed by cable and over 60% of those homes subscribe to cable service.[31/] In addition, the average cable system has the capacity to offer about 36 or more channels and the amount of programming choices on cable has steadily grown since 1984 when the Cable Act was passed.[32/] In short, "[c]able television has become our Nation's dominant video distribution medium."[33/]

Thus, under the newly relaxed network/cable ownership structure, networks will be permitted to directly own and control this "dominant video distribution medium" in addition to the individual over-the-air networks they

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30/ If the Commission had not relaxed the network/cable cross-ownership rule, it may have considered modifying or eliminating the dual network rule to provide cable with more meaningful competition. Because networks can now own cable systems, however, there is no reason to eliminate the dual network rule as a means of putting the networks in a more competitive position vis-a-vis the cable industry.

31/ Senate Comm. on Commerce, Science, and Transportation, Report on S. 12, S. Rep. No. 102-92, 102d Congress, 1st. Sess. 3 (1991) ["Senate Report"]. See Network/Cable Order ¶ 10; Notice of Inquiry, MM Docket No. 91-221, 6 FCC Rcd at 4961.

32/ Senate Report at 3.

33/ Id.

currently control. If the Commission eliminates the dual network rule, networks will be able to add a second over-the-air network, and the result will be that any of the four networks could feasibly own and control at least three separate transmission systems for the delivery of television programming in the local television marketplace.

Ownership of a cable system and two or more over-the-air networks would permit television networks to exercise even more control over the distribution of programming than if the networks simply owned three over-the-air networks. The difference is that a cable system, unlike an over-the-air television station, has the capability to transmit programming on more than one channel and thereby air a greater amount and variety of programming than that which can be transmitted by a television station. Some cable systems also have enormous leverage over television stations because they have the ability to transmit television signals to portions of a station's community of license that a station would not be able to reach on the strength of only its over-the-air signal. Moreover, there are almost no competing cable systems serving the same area and cable is the only way for many television stations to reach their viewers in that area.[34/] Thus, the ability to own a cable system and multiple television networks in a market will provide the networks with unfettered discretion over the distribution of local programming. The only way for the Commission to check the growth of such power is to retain the dual network prohibition.[35/]

34/ See Joint Comments of the ABC, CBS and NBC Television Affiliates Associations, BC Docket No. 82-434 at 32 (Dec. 3, 1991) quoting Comments of CBS, Inc., Docket 95-349 at 4 (Jan. 29, 1986).

35/ The "cable factor" and network potential ownership and control of cable systems are two additional factors which clearly distinguish network influence over television in 1992 from network influence over radio in 1977. In 1977, there were no alternative, multichannel services for transmitting programming over radio that were comparable to cable. The only means for radio network program distribution expansion was through the establishment of additional over-the-air broadcast networks. In 1992, because of the transmission capabilities of cable, the networks have many other avenues by which to provide and control the distribution of television programming to local stations that were not available with respect to radio. The difference in these circumstances shows that the Commission cannot use the rationale for eliminating the radio dual network rule to support the repeal of the television dual network rule.

c. Repeal of the Dual Network Rule will be Detrimental to Economic Competition and Program Diversity.

Repeal of the dual network rule will lead to many of the abuses the rule was originally designed to prevent.[36/] If the rule is eliminated, the networks will increase their influence in the local television marketplace to the disadvantage of network affiliates, the viewing public and potential entrants into the video marketplace.

The detrimental effects of the Commission's proposed elimination of the dual network prohibition are significant. First, the rule's elimination will restrict and likely prevent development of a fifth broadcast television network. Current news accounts indicate that a fifth network may be developing out of a possible "loose affiliation" of Paramount Communications and Chris-Craft Industries.[37/] Under the proposed affiliation, the two companies would combine Chris-Craft's seven, possibly eight, television stations and Paramount's six independent television stations

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36/ Chain Broadcasting Report at 72. The Applicability of 47 C.F.R. § 73.658(g) and 47 C.F.R. § 73.658(k) to Home Shopping Inc., 4 FCC Rcd 2422, 2423 (1989) ("The dual network rule is intended to promote program diversity by ensuring that a single organization does not dominate the broadcast services in an area by operation of two networks. It also has the goal of ensuring economic competition in the advertising market").

37/ "Chris-Craft chief weighs new options," Electronic Media, July 20, 1992, at 14.

to create a network that would reach approximately 30% of the country's television households.[38/]

A fifth network in the form of a Chris-Craft/Paramount combination or other combined media efforts is less likely to occur, however, if ABC, CBS, NBC and Fox are permitted to develop and launch additional broadcast networks. Once additional networks are established, it is likely that the four major networks would attempt to affiliate with the Chris-Craft stations, to the extent they are not already so affiliated, and the independent Paramount stations. Such an offer may be a sufficient disincentive to Paramount and Chris-Craft that they may not consider using their television stations to launch a new network. The result will be the stifling of a potentially strong source of network programming that could effectively compete with and provide an alternative to the major networks.

Although it may seem that a proposed network by Chris-Craft and Paramount could not compete against the strength of ABC, CBS and NBC, the Fox experience has taught the industry that a seemingly fledgling network can develop into a full programming network over a period of only five to six years. Indeed, given the strength of ABC, CBS and NBC over the past ten years, it is likely that had the dual network rule been repealed five years ago, there would be no Fox

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38/ Id.

network in 1992.[39/] Similarly, if the dual network rule is repealed in 1992, it is less likely that there will a fifth independent broadcast network. Restraining opportunities to develop a fifth network in this manner not only stifles competition between existing and potential networks but also undermines efforts to bring about greater diversity in television programming.

Second, the networks will have an unfair economic advantage over other programming sources in terms of advertising revenues because networks will be able to bundle together into one package advertising time for two networks. As an example, networks could discount the sale of advertising time in such a way that potential advertisers purchasing time on a widely-viewed, general audience network would be encouraged or required to buy time on both that network and a second network which may not enjoy the same level of audience viewing and thus would not be as attractive to advertisers. The effect of such a practice

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39/ It is also probably true that, if the Commission had not adopted the dual network rule in 1941 and required NBC to divest itself of one of its two networks, there would be no ABC radio or television network today. In 1943, the American Broadcasting System, which subsequently became ABC, purchased the Blue network. Bryce Rucker, The First Freedom 142-143 (1968).

would be to tie up advertising revenues that otherwise would be available to competitors in the market.[40/]

It is exactly this type of anticompetitive behavior that the Commission sought to prevent in enacting the dual network rule. In Chain Broadcasting, the Commission specifically faulted NBC for offering advertisers special joint and internetwork discount packages to encourage the purchase of time on both the Red network and the less successful Blue network.[41/] Although different circumstances led the Commission to repeal the dual network rule for radio in 1977, it nevertheless advised networks to closely follow policies that the Commission adopted in place of the rules, including a policy on networks' affirmative

> obligation to refrain from anticompetitive conduct -- pricing policies, exclusive arrangements, etc. -- which tend to increase the concentration of non-local programming, . . . and unduly hinder other networks' efforts to compete in such markets.

40/ This type of advertising practice also could harm network affiliates who would be forced to sacrifice their share of advertising revenues to compensate for the other network's inability to attract advertisers.

41/ Chain Broadcasting Report at 71. See Proposal of American Broadcasting Co., Inc. to Establish Four New Specialized "American Radio Networks", 11 FCC 2d 163, 168 (1967) where the Commission granted a waiver of the radio dual network rule to ABC on the condition that ABC "comply fully with the representations it has made . . . particularly those relating to . . . the selling of each network service on an individual basis, and the barring of group sales, combined rates or internetwork discounts."

Radio Deregulation Order, 63 FCC 2d at 691. To repeal the dual network rule now would only revive such anticompetitive practices at the expense of existing and potential network competitors.[42]

CONCLUSION

The Affiliates do not support the Commission's proposal to repeal the television dual network rule. Networks continue to have significant influence in the local television broadcast marketplace that will only be strengthened by their ability to own cable systems. Elimination of the dual network rule will increase network influence in the television marketplace to the detriment of

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42/ When the Commission adopted the dual network rule in 1941, it found that "[a]lthough the . . . personnel allocated to the Red or the Blue network may now engage in friendly rivalry, it is hardly to be supposed that this rivalry will ever reach the point where NBC employees are acting against the best interests of NBC." Chain Broadcasting Report at 70. Furthermore, "as long as all the efforts of the employees redound to the benefit of a single employer, there is merely the shadow of competition without its substance." Id. at 71 (emphasis added).